

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Richard & Kimberly Smith

Respondents

Civil Citation No. 82701

8654 Oakleigh Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 25, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-112, 115, 310, 315; 13-7-401, 403; 13-4-201, failure to cut and maintain overgrown grass and weeds, failure to clean up all junk, trash and debris, failure to store all garbage in cans with lids on residential property zoned DR.

On August 25, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$600.00 (six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued August 17, 2010 to remove accumulation of trash and debris, to store garbage in containers with tight fitting lids, to cut and remove all tall grass and weeds. This Citation was issued August 25, 2010.

B. Photographs in the file show junk and debris piled outside in the yard, including plywood, old cardboard boxes, and an old vacuum. Photographs show garbage cans with no lids, containing bagged garbage. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. All junk and debris must be removed, and all garbage must be stored in cans with tight lids. Re-inspection on September 14, 2010 found the violations not corrected, with bagged garbage visible in an open can and cardboard and other junk piled on the ground.

C. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by October 11, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20th day of September 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf